

PATENT COOPERATION TREATY

From the INTERNATIONAL SEARCHING AUTHORITY

To:
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PCT

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

Date of mailing (date/month/year) 14 January 2005 (14-01-2005)

Applicant's or agent's file reference
 1652-02-03

FOR FURTHER ACTION
 See paragraph 2 below

International application no
PCT/CA2004/001498

International filing date (date/month/year))
 12 August 2004 (12-08-2004)

Priority date (date/month/year)
 12 August 2003 (12-08-2003)

International Patent Classification (IPC) or both national classification and IPC
IPC⁷ : E01H-4/02; F25C-3/02

Applicant **BUCHKO, JEFF**

1. This opinion contains indications relating to the following items :

- | | | |
|-------------------------------------|--------------|--|
| <input checked="" type="checkbox"/> | Box No. I | Basis of the opinion |
| <input type="checkbox"/> | Box No. II | Priority |
| <input type="checkbox"/> | Box No. III | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability |
| <input type="checkbox"/> | Box No. IV | Lack of unity of invention |
| <input checked="" type="checkbox"/> | Box No. V | Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| <input type="checkbox"/> | Box No. VI | Certain documents cited |
| <input checked="" type="checkbox"/> | Box No. VII | Certain defects in the international application |
| <input checked="" type="checkbox"/> | Box No. VIII | Certain observations on the international application |

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/
Commissioner of Patents
Canadian Patent Office
 Box PCT, Ottawa/Gatineau K1A 0C9

Authorized officer

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INTERNATIONAL SEARCHING AUTHORITY

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Box No. I Basis of this opinion

10/568106

1. With regard to the language, this opinion has been established on the basis of the international application in the language which it was filed, unless otherwise indicated under this item.

- ☐ This opinion has been established on the basis of a translation from the original language into the following language __, which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).

2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:

a. type of material

- ☐ a sequence listing
☐ table(s) related to the sequence listing

b. format of material

- ☐ in written format
☐ in computer readable form

c. time of filing/furnishing

- ☐ contained in the international application as filed.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority for the purposes of search.

3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

4. Additional comments:

**WRITTEN OPINION OF THE
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Box No. V reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	1 to 27	YES
	Claims		NO
Inventive step (IS)	Claims	1 to 27	YES
	Claims		NO
Industrial applicability (IA)	Claims	1 to 27	YES
	Claims		NO

2. Citations and explanations :

Prior Art:

Document US-3917350-A discloses an ice conditioning apparatus comprising an ice conditioning machine mounted on wheels for movement along an ice surface in an operating travel direction; a blade bar mounted on said ice conditioning machine; an ice blade defining a cutting edge on a lower front edge thereof; plurality of fasteners attach said ice blade to said blade bar such that said ice blade is oriented substantially parallel to said ice surface; and blade height control operative to move the blade bar with respect to the wheels for up and down movement of the ice blade.

Problem:

Improve efficiency in installation, changing or ice blade levelling time and safety during ice blade handling.

Solution:

In claim 1, providing a plurality of magnets attached to the blade bar to operatively exert a magnetic attraction on the ice blade, wherein the blade bar and ice blade comprise blade guides to prevent horizontal and vertical movement of the blade out of the operating position. Furthermore, claim 18 discloses a method of attaching the ice blade to the ice conditioning machine. No prior art discloses or suggests the combination of magnets and blade guides for safely installing, changing or levelling the ice blade to the ice conditioning machine, thus claims 1 and 18 are new and inventive. Since the remaining claims are dependent on independent claims 1 and 18, claims 2 to 17 and 19 to 27 are also new and inventive.

Thus, claims 1 to 27 satisfy the requirements of novelty and inventive step in accordance with Articles 33(2) and 33(3) of the PCT.

Claims 1 to 27 also satisfy the requirements of industrial applicability in accordance with Article 33(4) of the PCT.

**WRITTEN OPINION OF THE
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Box No. VII Certain defects in the international application

The following defects in the form or contents of the international application have been noted :

- i) Contrary to the requirements of Rule 5.1 (a)(ii) PCT, the relevant background art disclosed in document US-3917350-A is not mentioned nor identified in the description.
- ii) Contrary to Rule 6.2(b), reference signs in parentheses are not found in the claims to increase intelligibility. This applies to both the preamble and the characterizing portion.
- iii) Independent claims 1 and 18 are not properly cast in the two-part form, with the known features as disclosed by the prior art (US-3917350-A) being placed in the preamble and the remaining features being placed in the characterizing portion. This does not comply with Rule 6.3(b) of the PCT.

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Box No. VIII Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made :

Claims

Claims 9, 11 to 13, 16, 18, 25 and 26 lack clarity and do not comply with Article 6 of the PCT for the following reasons:

- i) Claims 9 and 13 contain the wording "can be" and "can then be" which are ambiguous and do not define the invention in a precise way to achieve the desired result.
- ii) Claims 11 and 12 contain the expression "cradle peg(s)" which have no antecedent.
- iii) Claims 11, 12, 25 and 26 mention a "slot," however it is unclear whether the slot is referring to the slot located on the blade recesses or the cradle recesses.
- iv) Claim 16 should end with a period.
- v) Claim 18 should read "...such that the ice **blade** is magnetically held against the blade bar..."

Description and Drawings

- vi) On page 5, line 22 of the description, reference number "1" is used to describe the ice conditioning apparatus which is not found in the figures. Similarly, on page 11, line 16 of the description, reference number "76" cannot be found in the figures labelling the wheel guides. This does not comply with Rule 11.13(I) in which reference signs not found in the drawings shall not appear in the description and vice versa.